

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|  |   |                        |
|--|---|------------------------|
| LAKEWOOD HEALTH SYSTEM                             | : |                        |
| AND NORTHWEST MEDICAL                              | : |                        |
| CENTER, <i>for themselves and on behalf of</i>     | : |                        |
| <i>all other similarly situated class members,</i> | : |                        |
|  | : |                        |
| Plaintiffs,  | : | Civil Action No. 07-69 |
|  | : |                        |
| v.   | : | JURY TRIAL DEMANDED    |
|  | : |                        |
| TRIWEST HEALTHCARE ALLIANCE                        | : | CLASS ACTION           |
| CORP.,   | : |                        |
|  | : |                        |
| Defendant.   | : |                        |
|  | : |                        |

**JOINT MOTION FOR LEAVE TO RESPOND TO  
THE STATEMENT OF INTEREST OF THE UNITED STATES**

On August 31, 2007, pursuant to 28 U.S.C. § 517, the United States filed a Statement of Interest in the above-captioned action to present the position of the United States on certain issues relating to allegations in Plaintiffs' Complaint and Defendant's Motion to Dismiss. In particular, with the Statement of Interest, the United States has now advised the Court of the legal interests of the United States in this case and has provided the Court with the Department of Defense's interpretation of 32 C.F.R. § 199.14(a)(5).

28 U.S.C. § 517 does not expressly provide for responses to statements filed by the United States pursuant thereto. However, such responses have been permitted in other cases. *Robin Beaty v. Republic of Iraq*, C.A. No. 03-0215, Docket Nos. 8-10 (D. DC) (noting filing of plaintiff's response to Statement of Interest, reply of United States thereto, and plaintiff's further response) (attached hereto as Ex. "A"). Here, the parties believe that such responses are necessary, and would be beneficial to the Court, because of the complex issues raised in the

Statement of Interest. Accordingly, the parties have reached agreement on a briefing schedule, as follows:

- Each party shall be permitted to file a Response, no more than fifteen (15) pages in length, on or before October 12, 2007;
- Each party shall be permitted to file a Reply, no more than ten (10) pages in length, on or before October 26, 2007.

WHEREFORE, the parties respectfully request the Court grant this Joint Motion for Leave to Respond to the Statement of Interest of the United States, and to enter an Order providing for briefing of said responses in accordance with the schedule to which the parties have agreed.

DATED: October 3, 2007

|  |   |
|--|---|
| <p>DUANE MORRIS LLP</p> <p>By <u>/s/ Matt Neiderman</u><br/> Matt Neiderman (Del. Bar 4018)<br/> 1100 N. Market St., Suite 1200<br/> Wilmington, Delaware 19801<br/> 302.657.4900<br/> 302.657.4901 fax<br/> mneiderman@duanemorris.com</p> <p>OF COUNSEL:</p> <p>John J. Soroko, Esquire<br/> Seth A. Goldberg, Esquire<br/> DUANE MORRIS LLP<br/> 30 South 17th St.<br/> Philadelphia, PA 19103<br/> 215.979.1000<br/> 215.979.1020 fax</p> <p>Michael R. Gottfried, Esquire<br/> Patricia R. Rich, Esquire<br/> DUANE MORRIS LLP<br/> 470 Atlantic Avenue, Suite 500<br/> Boston, MA 02210<br/> 857.488.4290<br/> 857.488.4201 fax</p> <p>Gregory A. Brodek, Esquire<br/> DUANE MORRIS LLP<br/> 88 Hammond Street, Suite 500<br/> Bangor, ME 04401<br/> 207.262.5440<br/> 207.262.5401 fax</p> <p><i>Attorneys for Plaintiffs Lakewood Health System and Northwest Medical Center, for themselves and on behalf of all other similarly situated class members</i></p> | <p>MORRIS JAMES LLP</p> <p>By <u>/s/ Lewis H. Lazurus</u><br/> Lewis H. Lazurus (Del. Bar 2374)<br/> Matthew F. Lintner (Del. Bar 4371)<br/> Katherine J. Neikirk (Del. Bar 4129)<br/> 500 Delaware Avenue, Suite 500<br/> Wilmington, Delaware 19801<br/> <a href="mailto:llazarus@morrisjames.com">llazarus@morrisjames.com</a><br/> <a href="mailto:mlintner@morrisjames.com">mlintner@morrisjames.com</a><br/> <a href="mailto:kneikirk@morrisjames.com">kneikirk@morrisjames.com</a></p> <p>OF COUNSEL:</p> <p>Robert S. Ryland, Esquire<br/> Robert R. Gasaway, Esquire<br/> Ashley C. Parrish, Esquire<br/> Scott M. Abeles, Esquire<br/> KIRKLAND &amp; ELLIS LLP<br/> 655 Fifteenth Street, N.W., Suite 1200<br/> Washington, D.C. 20005<br/> 202.879.5000<br/> 202.879.5200</p> <p><i>Attorneys for Defendant TriWest Healthcare Alliance Corp.</i></p> |
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|  |   |                        |
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| LAKEWOOD HEALTH SYSTEM                             | : |                        |
| AND NORTHWEST MEDICAL                              | : |                        |
| CENTER, <i>for themselves and on behalf of</i>     | : |                        |
| <i>all other similarly situated class members,</i> | : |                        |
|  | : |                        |
| Plaintiffs,  | : | Civil Action No. 07-69 |
|  | : |                        |
| v.   | : | JURY TRIAL DEMANDED    |
|  | : |                        |
| TRIWEST HEALTHCARE ALLIANCE                        | : | CLASS ACTION           |
| CORP.,   | : |                        |
|  | : |                        |
| Defendant.   | : |                        |
|  | : |                        |

**ORDER**

WHEREFORE, having considered the parties' Joint Motion for Leave to Respond to the Statement of Interest of the United States, IT IS HEREBY ORDERED that said motion is GRANTED, and the parties are permitted to file said responses in accordance with the following briefing schedule:

- Each party shall be permitted to file a Response, no more than fifteen (15) pages in length, on or before October 12, 2007;
- Each party shall be permitted to file a Reply, no more than ten (10) pages in length, on or before October 26, 2007.

SO ORDERED this \_\_\_\_ day of October, 2007.

\_\_\_\_\_  
The Honorable Gregory M. Sleet

# **EXHIBIT**

**“A”**

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:03-cv-00215-JDB**

BEATY et al v. REPUBLIC OF IRAQ  
Assigned to: Judge John D. Bates  
Case in other court: USCA-DC, 07-07057  
Cause: 28:1331 Fed. Question: Personal Injury

Date Filed: 02/10/2003  
Jury Demand: None  
Nature of Suit: 360 P.I.: Other  
Jurisdiction: Federal Question

**Plaintiff**

**ROBIN BEATY**  
*Austin Makenzie and Jordan Beaty a minor  
by her next friend*

represented by **Nelson M. Jones, III**  
NICHOLAS AND JONES, LLP  
440 Louisiana  
Suite 625  
Houston, TX 77002  
(713) 224-5323  
Fax: (713) 224-8525  
Email: njonesiii@aol.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrew C. Hall**  
HALL, DAVID & JOSEPH, P.A.  
1428 Brickell Avenue  
Penthouse  
Miami, FL 33131  
(305) 374-5030  
Fax: (305) 374-5033  
Email: andyhall@hlhlawfirm.com  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**LINDA BARLOON**  
*William R. Barloon, Bryan C. Barloon and  
Rebecca L. Barloon minors by her next friend*

represented by **Nelson M. Jones, III**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrew C. Hall**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**REPUBLIC OF IRAQ**

represented by **Robert A. Burgoyne**  
FULBRIGHT & JAWORSKI LLP  
801 Pennsylvania Avenue NW  
Suite 500  
Washington, DC 20004  
(202) 662-4513  
Fax: (202) 662-4643

Email: rburgoyne@fulbright.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Lawrence Hedrick Martin**  
**FOLEY HOAG LLP**  
 1875 K Street, NW  
 Suite 800  
 Washington, DC 20006-1238  
 (202) 223-1200  
 Fax: (202) 785-6687  
 Email: lmartin@foleyhoag.com  
**TERMINATED: 08/23/2006**

**Interested Party**

**UNITED STATES OF AMERICA**

represented by **Andrew H. Tannenbaum**  
 U.S. DEPARTMENT OF JUSTICE  
 Civil Division, Federal Programs Branch  
 P.O. Box 883  
 20 Massachusetts Ave., NW  
 Washington, DC 20044  
 (202) 514-4263  
 Fax: (202) 616-8202  
 Email: andrew.tannenbaum@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Rupa Bhattacharyya**  
 U.S. DEPARTMENT OF JUSTICE  
 CIVIL DIVISION  
 P.O. Box 883  
 Washington, DC 20530  
 (202) 514-3146  
 Fax: (202) 318-7593  
 Email: rupa.bhattacharyya@usdoj.gov  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 02/10/2003 | <u>1</u> | COMPLAINT against REPUBLIC OF IRAQ (Filing fee \$ 150.), filed by LINDA BARLOON, ROBIN BEATY. (Attachments: # <u>1</u> Exhibit A)(rje, ) Modified on 2/22/2003 (rje, ). (Entered: 02/12/2003)  |
| 02/10/2003 |          | Summons (1) Issued as to REPUBLIC OF IRAQ. (rje, ) (Entered: 02/12/2003)   |
| 09/24/2003 | <u>2</u> | REQUEST for the Clerk to perfect service of summons, complaint, and notice of suit together with translation of each into the official language of the foreign state pursuant to 28 U.S.C. 1603(a)(3) to the Republic of Iraq by return receipt requested by all plaintiffs. (mpt, ) (Entered: 09/24/2003) |
| 10/08/2003 |          | Set Hearings: Status Conference set for 11/13/2003, at 09:15 AM in Courtroom 21 before John D. Bates. (lcjdb1) (Entered: 10/08/2003)   |
| 11/05/2003 | <u>3</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. REPUBLIC OF IRAQ served on 10/26/2003, answer due 11/17/2003 (Attachments: # <u>1</u> Exhibit)(bcs, ) (Entered: 12/01/2003)   |

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| 11/13/2003 |           | Minute Entry Status Conference held on 11/13/2003 before Judge John D. Bates: Status Conference set for 1/29/2004 09:00 AM before Judge John D. Bates. (Court Reporter Bryan Wayne) (tb) (Entered: 11/13/2003)  |
| 01/29/2004 | <u>4</u>  | ORDER INVITING the United States to file a statement of interest in the case; and SETTING a briefing schedule. Signed by Judge John D. Bates on 1/29/04. (lcjdb1) (Entered: 01/29/2004)   |
| 01/29/2004 |           | Minute Entry Status Conference held on 1/29/2004 before Judge John D. Bates: Order forthcoming. (Court Reporter Bryan Wayne) (tb) (Entered: 01/29/2004)   |
| 03/15/2004 | <u>5</u>  | STATEMENT of interest from UNITED STATES OF AMERICA. (Burgess, Joe) (Entered: 03/16/2004)   |
| 03/19/2004 | <u>6</u>  | NOTICE by UNITED STATES OF AMERICA of <i>Change of Oral Argument Date in Acree v. Republic of Iraq</i> (Tannenbaum, Andrew) (Entered: 03/19/2004)   |
| 03/22/2004 | <u>7</u>  | MOTION for Leave to Appear Attorney Pro Hac Vice by LINDA BARLOON, ROBIN BEATY. (Jones, Nelson) (Entered: 03/22/2004)   |
| 03/26/2004 |           | MINUTE ENTRY: ORDER granting <u>7</u> Motion Leave for Mr. Andrew C. Hall to Appear pro hac vice. Signed by Judge John D. Bates on 3/26/04. (lcjdb1) (Entered: 03/26/2004)  |
| 04/14/2004 | <u>8</u>  | RESPONSE to <i>STATEMENT OF INTEREST OF THE UNITED STATES</i> filed by LINDA BARLOON, ROBIN BEATY. (Jones, Nelson) (Entered: 04/14/2004)  |
| 05/05/2004 | <u>9</u>  | REPLY in Support of Statement of Interest by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> )(Tannenbaum, Andrew) (Entered: 05/05/2004)   |
| 05/20/2004 | <u>10</u> | RESPONSE to <i>Statement of Interest</i> filed by LINDA BARLOON, ROBIN BEATY. (Jones, Nelson) (Entered: 05/20/2004)   |
| 06/16/2004 | <u>11</u> | NOTICE by ROBIN BEATY <i>Plaintiffs' Notice of Filing of Supplemental Authority</i> (Jones, Nelson) (Entered: 06/16/2004)   |
| 07/14/2004 | <u>12</u> | AMENDED COMPLAINT against REPUBLIC OF IRAQ filed by LINDA BARLOON, ROBIN BEATY.(nmw, ) (Entered: 07/14/2004)  |
| 08/23/2004 |           | Set Hearings: Status Conference set for 9/28/2004, at 01:45 PM before Judge John D. Bates. (lcjdb1) (Entered: 08/23/2004)   |
| 08/25/2004 |           | Summons (1) Issued as to REPUBLIC OF IRAQ. (rje, ) (Entered: 08/25/2004)  |
| 08/25/2004 |           | REQUEST for the Clerk to perfect service of summons and an amended complaint, together with translation of each into the official language of the foreign state pursuant to 28 U.S.C. Section 1608(a)(3) to the Republic of Iraq by certified mail by all plaintiffs. (rje, ) (Entered: 08/25/2004)   |
| 09/23/2004 | <u>13</u> | NOTICE of Appearance by Rupa Bhattacharyya on behalf of UNITED STATES OF AMERICA (Bhattacharyya, Rupa) (Entered: 09/23/2004)  |
| 09/28/2004 |           | Minute Entry Status Conference held on 9/28/2004 before Judge John D. Bates: (Court Reporter Bryan Wayne) (tb) (Entered: 09/28/2004)  |
| 09/28/2004 |           | MINUTE ORDER: Upon consideration of the status conference held on September 28, 2004, it is hereby ORDERED that if plaintiffs wish to amend their Amended Complaint, plaintiffs' Motion for Leave to File a Second Amended Complaint must be filed by no later than October 12, 2004. Plaintiffs' motion, pursuant to Local Civil Rule 7(i), shall be accompanied by an original copy of the proposed Second Amended Complaint. It is further ORDERED that if this Court grants plaintiffs' Motion for Leave to File, the |

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|            |           | Second Amended Complaint shall not be deemed to have been served upon defendant, contrary to Local Civil Rule 7(i). It is further ORDERED that if the United States wishes to file any response to plaintiffs' Motion for Leave to File, it must do so by no later than October 25, 2004. Signed by Judge John D. Bates on 09/28/2004. (lcjdb1) (Entered: 09/28/2004) |
| 09/28/2004 |           | Set/Reset Deadlines: Plaintiffs' Motion for Leave to File a Second Amended Complaint, if any, is due by not later than 10/12/2004. A response from the United States is due by not later than 10/25/2004. (lcjdb1) (Entered: 09/28/2004)  |
| 10/12/2004 | <u>14</u> | MOTION to Amend/Correct <u>12</u> Amended Complaint by LINDA BARLOON, ROBIN BEATY. (Jones, Nelson) (Entered: 10/12/2004)  |
| 10/25/2004 | <u>15</u> | RESPONSE to <i>Plaintiffs' Motion for Leave to File Amended Complaint -- Supplemental Statement of Interest</i> filed by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit Kilburn Amicus Brief)(Bhattacharyya, Rupa) (Entered: 10/25/2004)  |
| 12/21/2004 | <u>16</u> | ORDER granting <u>14</u> Plaintiffs' Motion to Amend. Signed by Judge John D. Bates on 12/21/2004. (lcjdb1) (Entered: 12/21/2004)   |
| 12/21/2004 | <u>18</u> | SECOND AMENDED COMPLAINT against REPUBLIC OF IRAQ filed by LINDA BARLOON, ROBIN BEATY.(lc, ) (Entered: 01/14/2005)  |
| 12/22/2004 | <u>17</u> | NOTICE of Appearance by Lawrence Hedrick Martin on behalf of REPUBLIC OF IRAQ (Martin, Lawrence) (Entered: 12/22/2004)  |
| 02/09/2005 |           | MINUTE ORDER: It is hereby ORDERED a status conference is scheduled for March 17, 2005 at 9:15 a.m. Signed by Judge John D. Bates on 2/9/2005. (lcjdb1) (Entered: 02/09/2005)   |
| 02/09/2005 |           | Set/Reset Hearings: Status Conference set for 3/17/2005 09:15 AM before Judge John D. Bates. (lcjdb1) (Entered: 02/09/2005)   |
| 03/17/2005 |           | Minute Entry Status Conference held on 3/17/2005 before Judge John D. Bates: Status Conference set for 5/23/2005 09:00 AM in Courtroom 10 before Judge John D. Bates. (Court Reporter Bryan Wayne) (tb) (Entered: 03/17/2005)   |
| 03/17/2005 |           | MINUTE ORDER: It is hereby ORDERED a status conference is scheduled for May 23, 2005 at 9:00. Signed by Judge John D. Bates on 11/17/2005. (lcjdb1) (Entered: 03/17/2005)   |
| 03/17/2005 |           | Set/Reset Hearings: Status Conference set for 5/23/2005 09:00 AM before Judge John D. Bates. (lcjdb1) (Entered: 03/17/2005)   |
| 05/20/2005 | <u>19</u> | MOTION to Amend/Correct <u>18</u> Amended Complaint by LINDA BARLOON, ROBIN BEATY. (Attachments: # <u>1</u> Exhibit 3rd Amended Complaint# <u>2</u> Exhibit Memorandum In Support# <u>3</u> Text of Proposed Order Proposed Order)(Jones, Nelson) (Entered: 05/20/2005)   |
| 05/23/2005 |           | MINUTE ORDER: Upon consideration of <u>19</u> Plaintiff's Motion to Amend, and the status conference held on this date, it is hereby ORDERED the motion is GRANTED. It is further ORDERED plaintiff's Third Amended Complaint is deemed lodged with the Court. Signed by Judge John D. Bates on 5/23/2005. (lcjdb1) (Entered: 05/23/2005)                             |
| 05/23/2005 |           | Minute Entry Status Conference held on 5/23/2005 before Judge John D. Bates : Status Conference set for 10/20/2005 09:00 AM in Courtroom 10 before Judge John D. Bates. (Court Reporter William McAllister) (tb) (Entered: 05/23/2005)  |
| 05/23/2005 |           | MINUTE ORDER: It is hereby ORDERED a status conference is scheduled for October 20, 2005 at 9:00 a.m. Signed by Judge John D. Bates on 5/23/2005. (lcjdb1) (Entered: 05/23/2005)  |

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|            |           | 05/23/2005)  |
| 05/23/2005 | <u>20</u> | Third AMENDED COMPLAINT against REPUBLIC OF IRAQ filed by LINDA BARLOON, ROBIN BEATY.(lc, ) (Entered: 05/23/2005)  |
| 10/19/2005 |           | ENTERED IN ERROR.....SUMMONS (1) REISSUED as to REPUBLIC OF IRAQ (lc, ) Modified on 10/19/2005 (lc, ). (Entered: 10/19/2005)   |
| 10/20/2005 |           | MINUTE ORDER: Upon consideration of the entire record herein, and the representations of the parties at the status conference held on this day, it is hereby ORDERED that a status conference shall be held on May 8, 2006 at 9:00 am. Signed by Judge John D. Bates on 10/20/2005. (lcjdb1) (Entered: 10/20/2005)   |
| 10/20/2005 |           | Set Deadlines/Hearings: Status Conference set for 5/8/2006 09:00 AM before Judge John D. Bates. (lcjdb1) (Entered: 10/20/2005)   |
| 10/20/2005 |           | Minute Entry Status Conference held on 10/20/2005 before Judge John D. Bates : Motion Hearing set for 5/8/2006 09:00 AM in Courtroom 10 before Judge John D. Bates. (Court Reporter Bryan Wayne) (tb) (Entered: 10/20/2005)  |
| 10/20/2005 | <u>21</u> | NOTICE of Appearance by Andrew H. Tannenbaum on behalf of UNITED STATES OF AMERICA (Tannenbaum, Andrew) (Entered: 10/20/2005)  |
| 10/28/2005 |           | SUMMONS (1) REISSUED as to REPUBLIC OF IRAQ (lc, ) (Entered: 10/28/2005)   |
| 03/31/2006 | <u>22</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to foreign state or agency REPUBLIC OF IRAQ served on 1/8/2006, answer due 3/9/2006. (Jones, Nelson) (Entered: 03/31/2006)  |
| 04/25/2006 | <u>23</u> | Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by REPUBLIC OF IRAQ. (Attachments: # <u>1</u> Text of Proposed Order)(Martin, Lawrence) (Entered: 04/25/2006)  |
| 04/26/2006 |           | MINUTE ORDER: Upon consideration of <u>23</u> Consent Motion for Extension of Time to Respond to Plaintiff's Third Amended Complaint, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that defendant shall file a response to plaintiff's third amended complaint by not later than May 12, 2006. Signed by Judge John D. Bates on 4/26/2006.(lcjdb1) (Entered: 04/26/2006)   |
| 05/08/2006 |           | MINUTE ORDER: Upon consideration of the parties' representations at the Status Conference held with the Court on this date, and the entire record herein, it is hereby ORDERED that the parties shall abide by the following briefing schedule: defendant's motion to dismiss due by not later than 5/12/2006; plaintiff's opposition and motion for summary judgment due by not later than 6/12/2006; defendant's reply and opposition to plaintiff's motion for summary judgment due by not later than 7/11/2006; plaintiff's reply due by not later than 7/25/2006. SO ORDERED. Signed by Judge John D. Bates on 5/8/2006. (lcjdb1, ) (Entered: 05/08/2006) |
| 05/08/2006 |           | Set/Reset Deadlines: Defendant's Dispositive Motion due by 5/12/2006. Plaintiff's Response to Defendant's Dispositive Motion due by 6/12/2006. Defendant's Reply to Plaintiff's Opposition to Defendant's Dispositive Motion due by 7/11/2006. Plaintiff's Summary Judgment Motion due by 6/12/2006. Defendant's Response to Plaintiff's Motion for Summary Judgment due by 7/11/2006. Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Summary Judgment due by 7/25/2006. (lcjdb1) (Entered: 05/08/2006)   |
| 05/08/2006 |           | Minute Entry Status Conference held on 5/8/2006 before Judge John D. Bates : See Minute Order for details. (Court Reporter Bryan Wayne) (tb) (Entered: 05/09/2006)   |

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| 05/12/2006 | <u>24</u> | MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i> by REPUBLIC OF IRAQ. (Attachments: # <u>1</u> Text of Proposed Order)(Martin, Lawrence) (Entered: 05/12/2006)   |
| 06/12/2006 | <u>25</u> | Memorandum in opposition to re <u>24</u> MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i> filed by LINDA BARLOON, ROBIN BEATY. (Attachments: # <u>1</u> Text of Proposed Order Denying Motion to Dismiss)(Jones, Nelson) (Entered: 06/12/2006)   |
| 06/12/2006 | <u>26</u> | MOTION for Summary Judgment by LINDA BARLOON, ROBIN BEATY. (Attachments: # <u>1</u> Exhibit Memorandum In Support of Summary Judgment Motion# <u>2</u> Exhibit Plaintiffs Statement of Undisputed Facts# <u>3</u> Exhibit Memorandum Opinion# <u>4</u> Text of Proposed Order Granting Summary Judgment)(Jones, Nelson) (Entered: 06/12/2006)  |
| 07/07/2006 | <u>27</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>24</u> MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i> , <u>26</u> MOTION for Summary Judgment by REPUBLIC OF IRAQ. (Attachments: # <u>1</u> Text of Proposed Order)(Martin, Lawrence) (Entered: 07/07/2006)   |
| 07/07/2006 |           | MINUTE ORDER: Upon consideration of <u>27</u> Motion for Extension of Time to File Response/Reply re: <u>26</u> MOTION for Summary Judgment, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that defendant's response is due by not later than 7/25/2006, and plaintiffs' reply is due by not later than 8/1/2006. Signed by Judge John D. Bates on 7/7/2006. (lcjdb1) (Entered: 07/07/2006)   |
| 07/17/2006 |           | Set/Reset Deadlines: Response to Motion for Summary Judgment due by 7/25/2006. Reply to Motion for Summary Judgment due by 8/1/2006. (lcjdb1) (Entered: 07/17/2006)  |
| 07/25/2006 | <u>28</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>24</u> MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i> , <u>26</u> MOTION for Summary Judgment by REPUBLIC OF IRAQ. (Attachments: # <u>1</u> Text of Proposed Order)(Martin, Lawrence) (Entered: 07/25/2006)   |
| 07/25/2006 |           | MINUTE ORDER: Upon consideration of <u>28</u> Motion for Extension of Time to File Response/Reply re: Pl.'s Opp'n to Def.'s Mot. to Dismiss and to Pl.'s Mot. for Summ. J., it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that defendant shall file its response by not later than August 8, 2006; and it is further ORDERED that any replies to defendant's response to plaintiff's motion for summary judgment will be due by not later than August 14, 2006. Signed by Judge John D. Bates on 7/25/2006.(lcjdb1) (Entered: 07/25/2006) |
| 07/25/2006 |           | Set/Reset Deadlines: Defendant's response/reply due by 8/8/2006; plaintiff's reply due by 8/14/2006. (lcjdb1) (Entered: 07/25/2006)  |
| 08/08/2006 | <u>29</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>24</u> MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i> , <u>26</u> MOTION for Summary Judgment by REPUBLIC OF IRAQ. (Attachments: # <u>1</u> Text of Proposed Order)(Martin, Lawrence) (Entered: 08/08/2006)   |
| 08/09/2006 |           | MINUTE ORDER: Upon consideration of <u>29</u> Motion for Extension of Time to File Response/Reply re <u>24</u> MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i> , and the entire record herein, it is hereby ORDERED that the motion is GRANTED and defendant shall file its reply by not later than 8/18/2006. Signed by Judge John D. Bates on 8/9/2006. (lcjdb1) (Entered: 08/09/2006)  |
| 08/09/2006 |           | Set/Reset Deadlines: Reply to Dispositive Motions due by 8/18/2006. (lcjdb1) (Entered: 08/09/2006)   |
| 08/18/2006 | <u>30</u> | Consent MOTION to Substitute <i>Counsel</i> by REPUBLIC OF IRAQ. (Attachments: # <u>1</u> )  |

|            |           |  |
|------------|-----------|--|
|            |           | (Martin, Lawrence) (Entered: 08/18/2006)   |
| 08/18/2006 | 31        | MOTION for Extension of Time to File Response/Reply as to <u>24</u> MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i> , <u>26</u> MOTION for Summary Judgment by REPUBLIC OF IRAQ. (see docket entry #30 for document images). (lc, ) (Entered: 08/21/2006)   |
| 08/21/2006 |           | MINUTE ORDER: Upon consideration of <u>30</u> Motion to Substitute Counsel and [31] Motion for Extension of Time to File Response/Reply re <u>26</u> MOTION for Summary Judgment and <u>24</u> MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i> , and the entire record herein, it is hereby ORDERED that the motion is GRANTED. Defendant's response is due by not later than 9/22/2006, and plaintiff's reply is due by not later than 9/29/2006. Signed by Judge John D. Bates on 8/21/2006. (lcjdb1) (Entered: 08/21/2006) |
| 08/21/2006 |           | Set/Reset Deadlines: Response to Motion for Summary Judgment due by 9/22/2006. Reply to Motion for Summary Judgment due by 9/29/2006. (lcjdb1) (Entered: 08/21/2006)   |
| 08/21/2006 |           | Set/Reset Deadlines: Response to Dispositive Motions due by 9/22/2006. Reply to Dispositive Motions due by 9/29/2006. (lcjdb1) (Entered: 08/21/2006)   |
| 08/22/2006 | <u>32</u> | NOTICE of Appearance by Robert A. Burgoyne on behalf of REPUBLIC OF IRAQ (Burgoyne, Robert) (Entered: 08/22/2006)  |
| 08/23/2006 | <u>33</u> | MOTION to Withdraw as Attorney ( <i>Foley Hoag LLP</i> ) by REPUBLIC OF IRAQ. (Attachments: # <u>1</u> Text of Proposed Order)(Martin, Lawrence) (Entered: 08/23/2006)   |
| 08/23/2006 |           | MINUTE ORDER: Upon consideration of <u>33</u> Motion to Withdraw as Attorney, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that Attorney Lawrence Hedrick Martin is TERMINATED from further involvement in this action. Signed by Judge John D. Bates on 8/23/2006.(lcjdb1) (Entered: 08/23/2006)  |
| 09/22/2006 | <u>34</u> | Memorandum in opposition to re <u>26</u> MOTION for Summary Judgment <i>and Reply in Support of Motion to Dismiss</i> filed by REPUBLIC OF IRAQ. (Attachments: # <u>1</u> Exhibit 1 - Presidential Determination 2003-23# <u>2</u> Exhibit 2 - Executive Order 13303# <u>3</u> Exhibit 3 - Message to the Congress (May 22, 2003)# <u>4</u> Exhibit 4 - Presidential Letter (Aug. 28, 2003)# <u>5</u> Text of Proposed Order)(Burgoyne, Robert) (Entered: 09/22/2006)  |
| 09/22/2006 | <u>35</u> | ORDER INVITING the United States to file an updated or supplemental statement of interest in this case. Signed by Judge John D. Bates on 9/22/2006. (lcjdb1) (Entered: 09/22/2006)   |
| 09/22/2006 |           | Set/Reset Deadlines: Statement of interest by the United States due by not later than 10/13/2006. Responses by plaintiffs and defendant, if any, due by not later than 10/27/2006. (lcjdb1) (Entered: 09/22/2006)  |
| 09/28/2006 | <u>36</u> | MOTION for Extension of Time to <i>Respond to Defendant's Memorandum in Opposition to Plaintiffs' Motion for Summary Judgment and Reply in Support of Motion to Dismiss</i> by LINDA BARLOON, ROBIN BEATY. (Attachments: # <u>1</u> Text of Proposed Order Extend Time)(Jones, Nelson) (Entered: 09/28/2006)   |
| 09/29/2006 |           | MINUTE ORDER: Upon consideration of <u>36</u> the consent motion for an extension of time to respond to defendant's filings, it hereby ORDERED that the motion is granted; and it is further ORDERED that plaintiffs shall file their responses by not later than October 13, 2006. SO ORDERED. Signed by Judge John D. Bates on 9/29/2006. (lcjdb1) (Entered: 09/29/2006)   |
| 10/12/2006 | <u>37</u> | Unopposed MOTION for Extension of Time to <i>file Supplemental Statement of Interest</i> by UNITED STATES OF AMERICA. (Tannenbaum, Andrew) (Entered: 10/12/2006)   |

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| 10/13/2006 |           | MINUTE ORDER: Upon consideration of <u>37</u> the United States' unopposed motion for an enlargement of time to file a statement of interest, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that the United States shall file a statement of interest by not later than 11/17/2006; and it is further ORDERED that plaintiffs and defendant shall file any responses to the statement of interest by not later than December 1, 2006. SO ORDERED. Signed by Judge John D. Bates on 10/13/2006. (lcjdb1) (Entered: 10/13/2006)  |
| 10/13/2006 |           | Set/Reset Deadlines: Statement of interest by the United States due 11/17/2006. Responses by plaintiffs and defendant, if any, due 12/1/2006. (lcjdb1) (Entered: 10/13/2006)  |
| 10/13/2006 | <u>38</u> | MOTION for Extension of Time to <i>File Plaintiffs Reply in Support of Motion for Summary Judgment</i> by LINDA BARLOON, ROBIN BEATY. (Attachments: # <u>1</u> Text of Proposed Order Agreed Order Extending Time)(Jones, Nelson) (Entered: 10/13/2006)   |
| 10/13/2006 |           | MINUTE ORDER: Upon consideration of <u>38</u> plaintiffs' motion for an extension of time to file a reply in support of their motion for summary judgment, and in light of the Court's previous Minute Order entered on this date, it is hereby ORDERED that the motion is GRANTED in part and DENIED in part as moot; and it is further ORDERED that plaintiffs shall file, by not later than 12/1/2006, a single brief in support of their motion for summary judgment and in response to the statement of interest that United States will file. SO ORDERED. Signed by Judge John D. Bates on 10/13/2006. (lcjdb1) (Entered: 10/13/2006) |
| 11/17/2006 | <u>39</u> | RESPONSE TO ORDER OF THE COURT -- <i>Third Statement of Interest of the United States</i> filed by UNITED STATES OF AMERICA. (Tannenbaum, Andrew) (Entered: 11/17/2006)   |
| 12/01/2006 | <u>40</u> | RESPONSE re <u>39</u> Response to Order of the Court ( <i>U.S. Statement of Interest</i> ) filed by REPUBLIC OF IRAQ. (Burgoyne, Robert) (Entered: 12/01/2006)  |
| 12/05/2006 | <u>41</u> | MOTION for Extension of Time to <i>for Plaintiffs to File Reply in Support of Motion for Summary Judgment</i> by LINDA BARLOON, ROBIN BEATY. (Attachments: # <u>1</u> Text of Proposed Order On Extension of Time)(Jones, Nelson) (Entered: 12/05/2006)   |
| 12/05/2006 |           | MINUTE ORDER: Upon consideration of <u>41</u> plaintiffs' consent motion for an extension of time to file a reply in support of their motion for summary judgment, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that plaintiffs shall file their reply by not later than December 8, 2006. Signed by Judge John D. Bates on 12/5/2006. (lcjdb1) (Entered: 12/05/2006)   |
| 12/05/2006 |           | Set/Reset Deadlines: Plaintiffs' Reply in Support of Motion for Summary Judgment due by 12/8/2006. (lcjdb1) (Entered: 12/05/2006)   |
| 12/08/2006 | <u>42</u> | REPLY <i>Memorandum in Support of Plaintiffs' 26 Motion for Summary Judgment</i> filed by LINDA BARLOON, ROBIN BEATY. (Jones, Nelson) Modified on 12/11/2006 (lc, ). (Entered: 12/08/2006)  |
| 01/31/2007 |           | MINUTE ORDER: It is hereby ORDERED that counsel for the parties and counsel for the United States shall appear for a hearing on <u>24</u> defendant's motion to dismiss and <u>26</u> plaintiffs' motion for summary judgment on 3/2/2007 at 10:30 AM in Courtroom 8 before Judge John D. Bates. Signed by Judge John D. Bates on 1/31/2007. (lcjdb1) (Entered: 01/31/2007)   |
| 01/31/2007 |           | Set/Reset Hearings: Motions Hearing set for 3/2/2007 at 10:30 AM in Courtroom 8 before Judge John D. Bates. (lcjdb1) (Entered: 01/31/2007)  |
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| 03/02/2007 |           | Minute Entry Motion Hearing held on 3/2/2007 before Judge John D. Bates : re <u>24</u> MOTION to Dismiss Plaintiffs' Third Amended Complaint filed by REPUBLIC OF IRAQ, <u>26</u> MOTION for Summary Judgment filed by ROBIN BEATY, LINDA BARLOON. (Court Reporter Bryan Wayne) (tb) (Entered: 03/02/2007)   |
| 03/20/2007 | <u>43</u> | ORDER granting in part and denying in part <u>24</u> defendant's motion to dismiss, and granting in part and denying in part <u>26</u> plaintiffs' motion for partial summary judgment. Signed by Judge John D. Bates on 3/20/2007. (lcjdb1) (Entered: 03/20/2007)   |
| 03/20/2007 | <u>44</u> | MEMORANDUM OPINION accompanying <u>43</u> Order granting in part and denying in part defendant's motion to dismiss, and granting in part and denying in part plaintiffs' motion for partial summary judgment. Signed by Judge John D. Bates on 3/20/2007. (lcjdb1) (Entered: 03/20/2007)   |
| 03/20/2007 |           | Set/Reset Hearings: Status Conference set for 4/24/2007 at 9:00 AM before Judge John D. Bates. (lcjdb1) (Entered: 03/20/2007)  |
| 04/03/2007 | <u>45</u> | MOTION for Certification for interlocutory appeal <i>pursuant to 28 U.S.C. 1292(b)</i> by REPUBLIC OF IRAQ (Attachments: # <u>1</u> Text of Proposed Order)(Burgoyne, Robert) (Entered: 04/03/2007)  |
| 04/03/2007 |           | MINUTE ORDER: Upon consideration of <u>45</u> Iraq's motion for certification of the Court's March 20, 2007 Memorandum Opinion and Order for interlocutory appeal pursuant to 28 U.S.C. § 1292(b), it is hereby ORDERED that if the United States desires to submit a statement regarding Iraq's motion, it shall do so by not later than the deadline that LCvR 7(b) establishes for plaintiffs to file their opposition. SO ORDERED. Signed by Judge John D. Bates on 4/3/2007. (lcjdb1) (Entered: 04/03/2007) |
| 04/04/2007 | <u>46</u> | NOTICE OF APPEAL as to <u>44</u> Memorandum & Opinion, <u>43</u> Order on Motion to Dismiss, Order on Motion for Summary Judgment by REPUBLIC OF IRAQ. Filing fee \$ 455, receipt number 1158749. Fee Status: Fee Paid. Parties have been notified. (Burgoyne, Robert) (Entered: 04/04/2007)   |
| 04/05/2007 |           | Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>46</u> Notice of Appeal, (lc, ) (Entered: 04/05/2007)   |
| 04/16/2007 |           | USCA Case Number 07-7057 for <u>46</u> Notice of Appeal, filed by REPUBLIC OF IRAQ. (lc, ) (Entered: 04/17/2007)   |
| 04/17/2007 | <u>47</u> | Memorandum in opposition to re <u>45</u> MOTION for Certification for interlocutory appeal <i>pursuant to 28 U.S.C. 1292(b)</i> filed by LINDA BARLOON, ROBIN BEATY. (Jones, Nelson) (Entered: 04/17/2007)   |
| 04/17/2007 | <u>48</u> | RESPONSE TO ORDER OF THE COURT <i>Regarding Defendant's Motion for Certification Pursuant to 28 U.S.C. 1292(b)</i> filed by UNITED STATES OF AMERICA. (Tannenbaum, Andrew) (Entered: 04/17/2007)   |
| 04/17/2007 | <u>49</u> | MOTION for Extension of Time to <i>to Receive Instantly</i> by LINDA BARLOON, ROBIN BEATY (Attachments: # <u>1</u> Exhibit Memorandum In Opposition)(Jones, Nelson) (Entered: 04/17/2007)  |
| 04/18/2007 |           | MINUTE ORDER: Upon consideration of <u>49</u> plaintiffs' motion for an extension of time to file their response to <u>45</u> defendant's motion for certification for interlocutory appeal, it is hereby ORDERED that the motion is DENIED as unnecessary. See Fed. R. Civ. P. 6(e); Advisory Committee Notes on the 2005 Amendments. SO ORDERED. Signed by Judge John D. Bates on 4/18/2007. (lcjdb1) (Entered: 04/18/2007)  |
| 04/18/2007 | <u>50</u> | TRANSCRIPT REQUEST by REPUBLIC OF IRAQ for proceedings held on 03/02/2007 before Judge Bates.. (Burgoyne, Robert) (Entered: 04/18/2007)  |

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| 04/19/2007 | <u>51</u> | ORDER granting <u>45</u> defendant Iraq's motion to certify for interlocutory appeal <u>43</u> the March 20, 2007 Order denying its motion to dismiss. Signed by Judge John D. Bates on 4/19/2007. (lcjdb1) (Entered: 04/19/2007)                                       |
| 05/17/2007 | <u>52</u> | TRANSCRIPT of Motions Hearing held on March 2, 2007 before Judge John D. Bates. Court Reporter: Bryan A. Wayne. The public may view the document in the Clerk's Office between the hours of 9:00 a.m. and 4:00 p.m, Monday through Friday. (lc, ) (Entered: 05/18/2007) |

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